

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:23-CV-343-DCK**

<b>SECURIAN LIFE INSURANCE COMPANY,</b>	)
	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
	)
	<b><u>CONSENT JUDGMENT</u></b>
<b>ROBERT T. DIGH, AUDREY E.</b>	)
<b>LINEBERGER, MATTHEW S. BALDWIN,</b>	)
<b>MICHAEL S. BALDWIN, and</b>	)
<b>TAYLOR K. DIGH,</b>	)
	)
<b>Defendants.</b>	)
	)
	)
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<b>ROBERT T. DIGH and TAYLOR K. DIGH,</b>	)
	)
	)
<b>Counterclaim/Crossclaim</b>	)
<b>Plaintiffs</b>	)
<b>v.</b>	)
	)
	)
<b>SECURIAN LIFE INSURANCE COMPANY,</b>	)
	)
	)
<b>Counterclaim Defendant,</b>	)
	)
<b>and</b>	)
	)
<b>MICHAEL S. BALDWIN,</b>	)
	)
	)
<b>Crossclaim Defendant.</b>	)
	)

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**THIS MATTER IS BEFORE THE COURT** on Plaintiff Securian Life Insurance Company's ("Securian") "Motion For Consent Judgment" (Document No. 30) filed April 11, 2024. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and

noting consent of all the parties, the undersigned will grant the motion and enter the parties' proposed Consent Judgment as follows.

**IT IS, THEREFORE, ORDERED** that the following payments be issued:

A. From the sum deposited with this Court by Securian of \$390,135.68 on November 15, 2023, the Clerk shall distribute the following:

- To Robert T. Digh \$55,423.44;
- To Taylor K. Digh \$36,948.96;
- To Matthew S. Baldwin \$148,881.64 plus ½ of the interest (if accrued) on the \$390,135.68 deposited with the Court on November 15, 2023; and
- To Audrey Lineberger \$148,881.64 plus ½ of the interest (if accrued) on the \$390,135.68 deposited with the Court on November 15, 2023.

B. Michael S. Baldwin will redistribute \$5,400.00 of the life insurance funds he has already received to Robert Digh by the later of (a) fourteen (14) days following execution of this Consent Judgment, or (b) May 11, 2024. Michael S. Baldwin also will redistribute \$3,600.00 of the life insurance funds he has already received to Taylor Digh by the later of (a) fourteen (14) days following execution of this Consent Judgment, or (b) May 11, 2024.

C. This Consent Judgment shall be binding on all Parties to this action, including those who have defaulted.

**IT IS FURTHER ORDERED** that all Parties are: (a) released from any and all claims, counterclaims, and crossclaims associated with this proceeding and that such claims, counterclaims and crossclaims are hereby dismissed with prejudice;<sup>1</sup> (b) discharged from any

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<sup>1</sup> A Party may, if necessary, enforce the terms of the Judgment under Section B pursuant to Federal Rules of Civil Procedure 69 or any enforcement mechanisms allowed under state law.

further liability under Group Life Insurance Policy No 70362 issued to Duke Energy by Securian, which funds basic and supplemental life insurance benefits, as well as any other liabilities among the Parties related to any matters involving, arising from or related to the allegations of the Pleadings, the Life Insurance Benefits, the Interpleader Funds and all applicable accrued interest payable under the Plan as a result of the death of decedent Ellen Digh. Moreover, the Parties are released from any and all liability whatsoever among the Parties as of the date of submission of the Consent Motion; (c) enjoined from instituting any action or proceeding in any state or United States court or any administrative agency against Securian, Duke Energy, or the Plan for recovery of the insurance benefits, plus any applicable interest by reason of the death of the Decedent; (d) enjoined from instituting any action or proceeding against any other Party to this litigation, in any state or United States court or any administrative agency whatsoever, which asserts charges, complaints, claims, grievances, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts, penalties, fees, wages, medical costs, pain and suffering, mental anguish, emotional distress, expenses (including attorneys' fees and costs actually incurred), and/or punitive damages, of any nature whatsoever, known or unknown, from the beginning of time to the date identified in the Motion underlying this Order, with the exception that the Parties may enforce the duties and obligations set forth in the Consent Motion.

**SO ORDERED.**

Signed: April 15, 2024

  
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David C. Keesler  
United States Magistrate Judge  
